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1 — Chairman of TCEQ tells Congress EPA's Clean Power Plan a loser for Texas, Dallas Morning News, 9/11/2015

<http://bizbeatblog.dallasnews.com/2015/09/chairman-of-tecq-tells-congress-epas-clean-power-plan-a-loser-for-texas.html/>

When President Obama announced the final rules for his new Clean Power Plan in July, we pressed the Texas Commission on Environmental Quality pretty hard about whether the Texas agency charged with protecting the state's air was going to accept or fight the new rules.

2 — Mine site cleanup work suspended, Denver Post, 9/13/2015

http://www.denverpost.com/news/ci_28803460/mine-site-cleanup-work-suspended

Site investigations and some cleanup work at 10 polluted mining complexes in four states were suspended because of conditions similar to those that led to a massive wastewater blowout from an inactive Colorado gold mine, U.S. Environmental Protection Agency officials said.

3 — Colorado Mine Spill Highlights Superfund Challenges, Wall Street Journal, 9/11/2015

<http://www.wsj.com/articles/colorado-mine-spill-highlights-superfund-challenges-1442005828?tesla=y&mod=vocus>

The Colorado mine spill that sent three million gallons of toxic sludge into a river last month highlighted the struggles of the federal Superfund program to clean up contaminated mining sites across the American West.

4 — Environmental Protection Agency releases notification plan, Alamogordo (NM) Daily News, 9/12/15

http://www.alamogordonews.com/alamogordo-news/ci_28804910/environmental-protection-agency-releases-notification-plan

The Environmental Protection Agency released documents earlier this week that outline how the agency plans to alert communities downstream in case the Gold King Mine outside Silverton, Colo., experiences another spill.

5 — Gas Flaring Does More Than Light Up the Skies, KUNM, 9/12/2015

<http://kunm.org/post/gas-flaring-does-more-light-skies#stream/0>

Away from any cities or streetlights, the nights here at Chaco Culture National Historic Park are dark. Looking up, it takes a little longer than usual to spot even the most familiar constellations. That's because there are so many more stars visible across Orion's shoulders or surrounding Gemini's twins.

6 — Training simulator errors contributed to Christmas River Bend reactor problems, New Orleans Times-Picayune, 9/11/2015

http://www.nola.com/environment/index.ssf/2015/09/training_simulator_errors_cont.html#incart_river

An improperly programmed training simulator at Entergy's River Bend nuclear power plant in St. Francisville contributed to the errors made by operators attempting to respond to an emergency shutdown of the plant's nuclear reactor on Christmas Day 2014, the Nuclear Regulatory Commission said Friday (Sept. 11).

7 — 'Swimmable, Drinkable, Fishable Water' theme of Tar Creek Conference, Miami (OK) News-Record, 9/11/2015

http://www.miamiok.com/news/article_f20d359d-2025-5f88-8ad2-d1b731ee8129.html

LEAD Agency's 17th National Environmental Tar Creek Conference will be held Sept. 29-30 at the Coleman Theater in downtown Miami. The theme: "Swimmable, Drinkable, Fishable Water" has not yet been achieved due in part from the environmental impacts of the Tri-State Lead and Zinc Mining District.

8 — Keystone Pipeline segment still waiting for approval 7 years later, Tulsa World, 9/10/2015

http://www.tulsaworld.com/business/johnstancavage/john-stancavage-keystone-pipeline-segment-still-waiting-for-approval-years/article_81ba8743-76e7-5990-addb-e596aeea16dd.html

If you are a supporter of the unbuilt northern section of the Keystone XL Pipeline, at this point you're probably wondering who broke the mirror.

9 — WRA backs San Juan agreement (opinion), Albuquerque Journal, 9/13/2015

<http://www.abqjournal.com/643278/opinion/wra-backs-san-juan-agreement.html>

You have probably read about a recent agreement to resolve issues around San Juan Generating Station. This agreement has been submitted to the New Mexico Public Regulation Commission for approval, and has the support of Public Service Company of New Mexico, consumer, business and environmental advocates, including the organization I represent, Western Resource Advocates. I would like to explain WRA's support.

10 — How will Sanderson Farms affect St. Pauls? (opinion), Fayetteville (AR) Observer, 9/9/2015

http://www.fayobserver.com/opinion/local_columns/christine-ellis-how-will-sanderson-farms-affect-st-pauls/article_1133a640-ba3a-557a-85a2-55465ebb272d.html

So far, no environmental study has been conducted to evaluate the impacts of the Sanderson Farms chicken slaughterhouse proposed to be located near St. Pauls in Robeson County. Wouldn't you want to know what effect the project could have on you, your family and your quality of life? I certainly do.

11 — Editorial: EPA water rule is another overreach on private rights, Albuquerque Journal, 9/12/2015

<http://www.abqjournal.com/643003/opinion/epa-water-rule-is-another-overreach-on-private-rights.html>

The U.S. EPA is going upstream with its regulatory power – way upstream. It implemented a new rule in August that it says clarifies which small streams, tributaries and wetlands should be protected from pollution and development under the 1972 Clean Water Act. On the surface, it sounds good, but it goes much deeper.

12 — Ascension Parish Council seeks private group to create regional sewer system that would fulfill promise to voters, Baton Rouge Advocate, 9/12/2015

<http://theadvocate.com/news/13423058-123/ascension-parish-council-seeks-private>

The Ascension Parish Council is expected to recommend late this year what team of engineers and financiers should design, build and operate a \$300 million to \$500 million regional sewer system in a partnership with the parish that would last for the next three decades.

13 — Public Service Co. of Oklahoma plans to add solar capacity, increase its use of wind power, The Oklahoman, 9/12/2015

<http://newsok.com/public-service-co.-of-oklahoma-plans-to-add-solar-capacity-increase-its-use-of-wind-power/article/5445986>

Public Service Co. of Oklahoma expects to add up to 200 megawatts of solar capacity and bolster its wind offerings, according to a planning document outlined before regulators Thursday.

14 — GOP gropes for way to kill climate rule, The Hill, 9/12/2015

<http://thehill.com/policy/energy-environment/253456-gop-gropes-for-way-to-kill-climate-rule>

Republicans and industry groups are intensifying their search for a way to beat back President Obama's new climate rule for power plants. When the Environmental Protection Agency (EPA) released its finalized Clean Power Plan in early August, it added a new sense of urgency to opponents' efforts to stop it.

15 — Week ahead: EPA under fire for mine waste spill, The Hill, 9/14/2015

<http://thehill.com/policy/energy-environment/253428-week-ahead-epa-under-fire-for-mine-waste-spill>

Environmental Protection Agency (EPA) Administrator Gina McCarthy is appearing at three Capitol Hill hearings to answer questions about the mine waste spill in Colorado that her agency has taken responsibility for.

16 — Jean Lafitte photo exhibit studies vanishing landscape, New Orleans Times-Picayune, 9/14/2015

http://blog.nola.com/westbank/2015/09/jean-lafitte-lefort-photo-exhi.html#incart_river

Photographer Lane Lefort grew up in Westwego, and he spent time on the grounds of Jean Lafitte National Park and Preserve long before it was ever a national park.

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Chairman of TCEQ tells Congress EPA's Clean Power Plan a loser for Texas

Michael A. Lindenberger/Washington Correspondent [Twitter](#) [Email](#)

Published: September 11, 2015 2:55 pm

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WASHINGTON—When President Obama announced the final rules for his new Clean Power Plan in July, we pressed the Texas Commission on Environmental Quality pretty hard about whether the Texas agency charged with protecting the state's air was going to accept or fight the new rules.

In the end, though, the agency said very little beyond: **We're waiting and seeing.**

Today, we got a better answer. Dr. Bryan Shaw, TCEQ chairman, told a House committee that the plan was a loser for Texas, that it would likely drive rates up, and that even if fully implemented it would do next to nothing to reduce global

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Beyond that, he said, carbon dioxide itself — the main greenhouse gas targeted by the EPA rules — is perfectly harmless, and often healthy.

House takes up Lamar Smith's 'secret science' bill; EBJ slams 'insidious' attack on EPA

Smith, Texas GOP fighting unusually aggressive EPA

None of that is surprising from a Texas political appointee, given that Republican leaders in Austin and in Washington have uniformly condemned the president plan, which requires Texas to sharply reduce its carbon-based emissions.

But Shaw's views are important because the EPA plan gives each state the opportunity to develop its own plan for how to comply with the new rule, which in Texas's case requires a reduction in carbon pollution emissions by about 32 percent. Shaw's agency is charge with developing that plan or, as Texas has done on a smaller scale previously, ignoring the rule in hopes it will be struck down by courts. If it does that, and the rule survives the legal assaults that will test it, the EPA will impose its own compliance plan for Texas.

Shaw said the agency is still studying the plan. But he told a deeply skeptical Rep. Eddie Bernice Johnson, D-Dallas, that the EPA has overstated the health claims in justifying the Clean Power Plan. Carbon emissions, he noted, are not harmful to humans who breathe them. As a result reducing emissions will not directly make the air humans breathe more healthy.

"Carbon emissions do not have an adverse impact on respiratory health," Shaw told Johnson.

That's both true and false. Greenhouse gases are not pollutants in the traditional sense of that word, though the Supreme Court has backed the EPA's conclusion that they are for legal purposes because they speed climate change and climate change is bad for human health.

So while it's true that they are not toxic, that's not the EPA's point. It states that by requiring plants in Texas and

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elsewhere to switch to cleaner sources of energy, the new rules will reduce other toxic emissions that are associated with coal and other forms of energy that also emit high levels of carbon.

In that way, lower carbon pollution means cleaner air. Shaw said the health impacts of such “accidental” reductions in toxic elements need more study. And in any case, the purpose of the Clean Power Plan is ostensibly to reduce global warming not clean up the air by reducing choices for power producers.

“So you’re challenging the goal of EPA,” Johnson said. “Their goal is the health and safety of the people.”

When it was Smith’s turn to ask questions, he called Shaw’s attention to a report published by the U.S. Chamber of Commerce, the nation’s largest lobbying organization, that shows that the plan will require 42 states to reduce their carbon emissions or buy credits from the eight other states.

For those 42 states, including Texas, he said the plan will mean higher rates, an impact that will hit the poor the hardest. “I very much regret the impact on low-income Americans.”

The states that will have credits to sell are states that have already taken stronger steps to reduce their carbon emissions. California, for instance, uses far less energy per person than Texas does, and the energy it does use is produced with far fewer carbon emissions.

Smith asked Shaw: “Do you see any benefits whatsoever as a result of this plan’s mandate of a reduction in carbon emissions?”

Shaw: “Chairman, no.”

Watch the full exchange in the video below, or watch **the entire hearing here**.



Mine site cleanup work suspended

By Matthew Brown and Dan Elliott The Associated Press

Posted: 09/13/2015 12:01:00 AM MDT

DenverPost.com



In this Aug. 12, 2015 file photo, water flows through a series of retention ponds built to contain and filter out heavy metals and chemicals from the Gold

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- Sep 9:
- House science committee grills EPA over Gold King Mine spill
- Sep 8:
- Erin Brockovich to tour Navajo Nation in Colorado mine spill's wake
- Sep 7:
- Congress wades into toxic mine spill caused by EPA crew
- Sep 5:
- EPA: Treatment at Colorado mine spill site will cost \$3 million

BILLINGS, Mont. — Site investigations and some cleanup work at 10 polluted mining complexes in four states were suspended because of conditions similar to those that led to a massive wastewater blowout from an inactive Colorado gold mine, U.S. Environmental Protection Agency officials said.

The sites include three in California, four in Colorado, two in Montana and one in Missouri, according to details obtained by The Associated Press following repeated requests for the information.

They have the potential for contaminated water to build up inside mine workings, EPA Assistant Administrator Mathy Stanislaus said. That would set the stage for a possible spill such as last month's near Silverton, where an EPA team triggered a 3 million-gallon blowout of toxic sludge while doing excavation work on the inactive Gold King Mine.

The accident fouled rivers in three states and attracted harsh criticism of the EPA for not being prepared despite prior warnings that such a spill could happen.

"We want to take extra caution before we initiate any work," Stanislaus said of the work suspensions. Some of the mines were abandoned decades ago and have grown more unstable over time, raising the risk of an accident.

The agency also wants to get the results of an Interior Department investigation into the Colorado accident before proceeding on most of the sites. That's expected in late October, department officials said.

There was no cellphone coverage at the remote site in the San Juan Mountains, and the workers did not have a satellite phone, according to EPA documents. As a result, they had no way to

immediately communicate with the outside world about the spill heading downriver.

One of the sites where cleanup work was subsequently halted was the Standard Mine in the mountains above Crested Butte. Mayor Aaron Huckstep said that after work was suspended, the EPA met with residents and officials and made sure cleanup workers could communicate directly with the town in an emergency.

"They understood that they needed to make sure that the communication channels and the communication protocols were in place and the folks knew who to call and when to call them," Huckstep said.

EPA documents show wastewater at the site periodically spills over a crudely-built impoundment, raising concerns about a "potential catastrophic failure" and the possibility of tainting Crested Butte's drinking water. But Huckstep said he didn't believe the Standard Mine was a threat to blow out, based on EPA statements and differences in the land.

The EPA said the town's water meets safety standards.

Colorado Department of Public Health and Environment spokesman Warren Smith said wastewater flowing from the mine was not considered an acute health threat. Work on the site resumed Sept. 4 after officials determined appropriate safety measures were in place.

The other Colorado mines are:

- Camp Bird Mine, near Ouray: A former gold and silver mine that also produced other metals and operated from 1900 to 1990. Colorado health officials said they were not aware of any cleanup work being done.
- James Creek, 40 miles northwest of Denver: Colorado health officials said they were not aware of any cleanup work being done. No further information was available.
- Eagle River, central Colorado. No further information was available.

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U.S.

Colorado Mine Spill Highlights Superfund Challenges

Gold King incident shows difficulty in cleaning contaminated sites



EPA remediation work following the Gold King mine spill last month. *PHOTO: BYRON WIEDEMANN*

By **DAN FROSCH** and **ALEXANDRA BERZON**

Sept. 11, 2015 5:10 p.m. ET

The Colorado mine spill that sent three million gallons of toxic sludge into a river last month highlighted the struggles of the federal Superfund program to clean up contaminated mining sites across the American West.

The program, administered by the Environmental Protection Agency, was set up in the 1980s to remediate the nation's most polluted places, from old factories to landfills. But it has been especially strained by legacy mining sites, which are often impossible to permanently clean up and instead require water-treatment plants or other expensive measures to contain widespread pollution, experts say.

The EPA often faces opposition from communities that distrust the agency and remain fearful of the economic stigma of being labeled a Superfund site. The agency also frequently is confronted with deep-pocketed mining companies who try to fend off efforts to hold them at least partially responsible for cleanup costs.

And for the past decade, the EPA has had to work with diminished finances after levies on oil and chemical companies originally intended to help fund Superfund cleanups expired and weren't renewed by Congress.

The result is that some old mining sites widely acknowledged to be severely contaminated—such as the Gold King mine that led to last month's spill, and others dotting the Upper Animas River Basin near Silverton, Colo.—haven't been contained or cleaned, as the EPA and other stakeholders squabble about the best solution.

"We at EPA are very good at technical cleanups," said Scott Sherman, a former EPA official under President George W. Bush who helped oversee the Superfund program. "But asking us to navigate the politics of building municipal water-supply systems, to doing land planning, to taking people out of a whole town and moving them—these are the types of complexities that are beyond the core of the Superfund cleanup program."

EPA officials acknowledged that Superfund resources were stretched thin for the complex cleanups that old mining sites require.

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"Mining sites are very large and have a long history of operations and impacts that typically involve soil contamination and impacts to waterways," said Mathy Stanislaus, the assistant EPA administrator who oversees the Superfund program. "Clearly, it is a challenge, because you have a fixed pot of funds, and we have to balance that among all the sites in the country."

Currently, dozens of mining sites around the U.S. are on the EPA's "National Priorities List" for Superfund cleanups or proposed to be added to the tally. But the taxes designed to fund cleanup costs when responsible parties can't be found expired in 1995, and the multibillion-dollar fund dwindled to zero in the 2003 fiscal year, according to EPA data. Congressional appropriations have since helped support the program, but they decreased to nearly \$1.1 billion this fiscal year from \$1.3 billion in 2010.

The Colorado spill, which occurred while an EPA contractor was on the site, spurred congressional hearings that began Wednesday, and some lawmakers have chastised the EPA for failing to prevent the incident.

Meanwhile, in southwest Colorado, county and town officials said that many in the Animas River area who had long opposed a Superfund designation were now more open to the idea. That would allow the EPA to legally pursue whoever it deems responsible for the pollution.

"It may be our only choice," said La Plata County Commissioner Gwen Lachelt.

The EPA has been weighing a Superfund designation for the area as the Animas River has become more tainted from runoff from the region's mines. Environmental degradation began worsening around 2004 after the state allowed one of the largest area mines, Sunnyside, to stop treating the toxic water flowing through its mine and to block up that water. But this led to dirty, untreated water leaching into the river through other mines, according to federal and state studies and officials who have worked on trying to solve the problem.

Before the latest blowout at the Gold King Mine, the federal agency began the process to seek out potentially responsible companies for the increasingly toxic wastewater filling the river, including Kinross Gold Corporation, which owns the Sunnyside Mine, to pay more for cleanup.

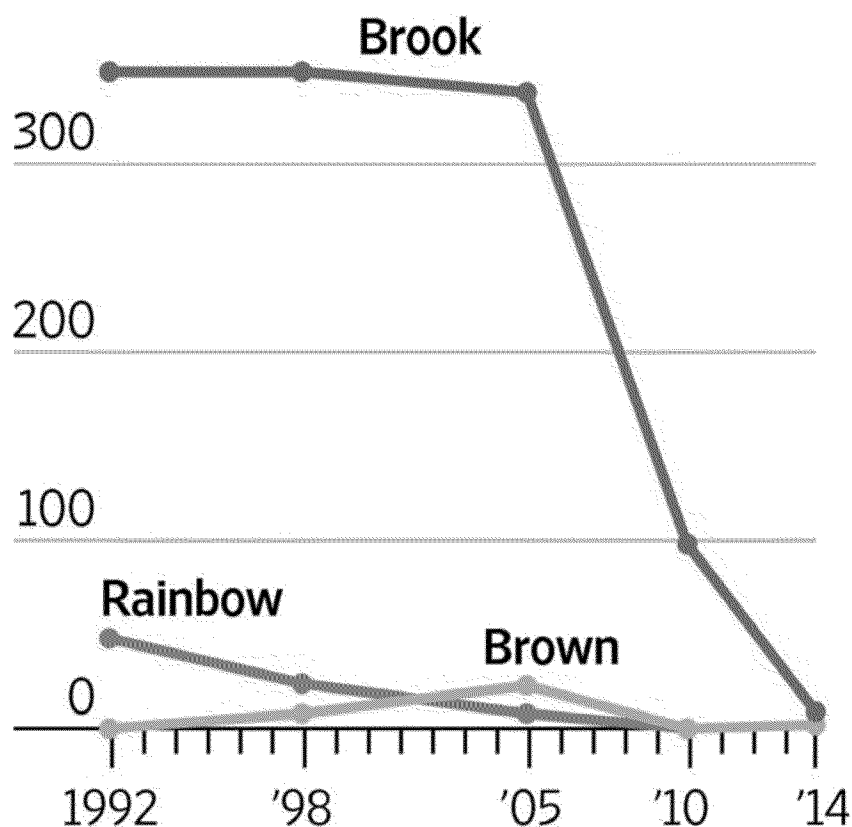
Kinross offered \$10 million to fund a water-treatment plant

Fish Tale

Trout counts indicate water quality has worsened on the Animas River below shuttered mines.

Trout by type at Teft Spur area

400 trout per mile



Source: Colorado Division of Wildlife

THE WALL STREET JOURNAL.

to clean up the small amount of water still leaking through its mine, in exchange for being absolved of additional responsibility. That proposed plant, however, would be far too small to treat the discharge in the area, according to the company's own commissioned engineering studies, and the EPA hasn't agreed to the deal.

San Juan Corp., which owns the Gold King Mine, has said Sunnyside bears responsibility for the spill and contamination in the area.

A Kinross spokesman said the company shouldn't be held responsible for wastewater emerging from mines it doesn't own. The company plans to use the \$10 million to cover litigation costs if it is not absolved of liability, he said.

Similar issues have complicated cleanups at Superfund mining sites around the West.

Libby, Mont., was designated a Superfund site in 2002 after asbestos contamination from vermiculite mining and processing were linked to the deaths of several hundred people. But more than a decade later—even after more than 2,000 residential and commercial properties were cleaned up—the EPA estimates that as many as 1,400 additional properties still need remediation.

The cost has exceeded \$540 million, far more than the record \$250 million settlement the government negotiated in 2008 with W.R. Grace & Co., which owned the operations.

More recently, in Columbia Falls, Mont., an EPA proposal that would designate the area around the now-closed Columbia Falls Aluminum Co. plant a Superfund priority has divided the community of about 4,500 residents.

State Sen. Dee Brown, a Republican who represents Columbia Falls, said some supported a Superfund designation. But others are saying, “ ‘We don’t want that black cloud hanging over our town,’ ” she added.

Write to Dan Frosch at dan.frosch@wsj.com and Alexandra Berzon at alexandra.berzon@wsj.com

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Environmental Protection Agency releases notification plan

By Dan Schwartz dschwartz@daily-times.com @dtdschwartz on Twitter

Posted: 09/12/2015 11:23:19 PM MDT

AlamogordoNews.com

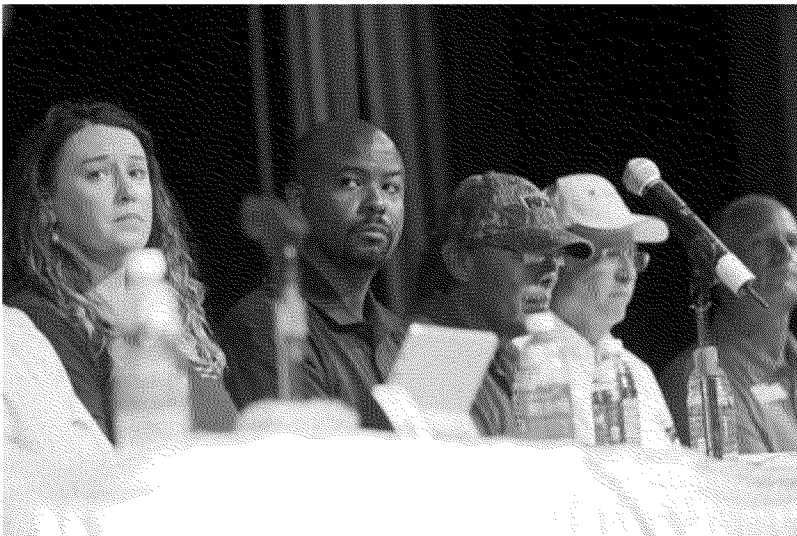


San Juan County Executive Office Kim Carpenter speaks with Rep. Ben Ray Luján, D-N.M., during a town hall meeting Aug. 8 at the Farmington Civic Center

FARMINGTON >> The Environmental Protection Agency released documents earlier this week that outline how the agency plans to alert communities downstream in case the Gold King Mine outside Silverton, Colo., experiences another spill.

The plan defines alert levels for a spill or any mining activity that would impact the watershed downstream of the mine, and it outlines when EPA officials would notify nearby communities within the affected watershed.

The Gold King Mine spill in early August — which led to the release of more than 3 million gallons of toxic wastewater — would have fallen into the highest alert level on the plan. Under that level, an EPA on-scene coordinator based in Durango, Colo., would alert an EPA command center "as soon as practical," according to the plan.



From left, Bonnie Hopkins, an agriculture agent with the New Mexico State University Cooperative Extension; San Juan County Extension Office; Mark Hayes,

The command center would then "immediately" notify a command center in Durango, Colo., and send emails to all communities included on a "stakeholder list," according to the plan. The EPA command center also would verbally alert all stakeholder agencies "as soon as practical," according to the plan.

The last step would be for the EPA command center to schedule a briefing with the stakeholders "as soon as practical," according to the plan.

But New Mexico Environment Department officials said the plan is

inadequate.

"We continue to have concerns about EPA's ability to communicate effectively," department spokeswoman Allison Scott Majure said.

She said the plan should also be a part of a larger corrective action plan, and the EPA should work with the New Mexico Department of Homeland Security "directly regarding this."

Since the spill, local, state and federal officials have criticized the EPA for what they describe as a poor job of notifying downstream communities in New Mexico and other states.

"According to an EPA memorandum, the release occurred on Aug. 5 at 10:51 a.m.," U.S. Rep. Ben Ray Lujan, D-N.M., said in a congressional subcommittee meeting on Friday. "However, EPA headquarters, Region 6 and Region 9 were not notified until 11 a.m. the next morning."

Region 6 includes New Mexico. Region 9 covers Arizona.

EPA officials were not immediately available to respond to the criticism, but spokesman David Gray said in an email earlier on Friday that the agency has set no date for the on-scene coordinator in Durango, Colo., to leave. He said the plan will remain in effect as long as work continues at the Gold King Mine.

"So I think it is fair to say that we are taking a long-term approach to improving downstream notification beyond" the plan, he said.

The Navajo Nation Office of the President and Vice President did not respond to a request for comment.

Gray said the EPA could not release the stakeholder list referenced in the plan because lawyers are reviewing it for privacy act compliance, but he provided the names of the communities included on it. It includes a number of Colorado agencies but also the New Mexico Environment Department, San Juan County and the Navajo Nation, as well as Arizona and Utah agencies.

San Juan County Emergency Manager Don Cooper said the notification plan hinges on the EPA keeping an on-scene coordinator in Durango, Colo. And that person, he said, has to get the word to the county in an emergency.

"They've got to let us know, and that's all we care about," he said. "I just want to know."

Dan Schwartz covers government for The Daily Times. He can be reached at 505-564-4606.



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By [LAURA PASKUS \(/PEOPLE/LAURA-PASKUS\)](#) • SEP 12, 2015

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LAURA PASKUS



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4:13

Away from any cities or streetlights, the nights here at Chaco Culture National Historic Park are dark. Looking up, it takes a little longer than usual to spot even the most familiar constellations. That's because there are so many more stars visible across Orion's shoulders or surrounding Gemini's twins.

The skies here are so clear that the park has been named an International Dark Sky Park. (<http://www.nps.gov/chcu/learn/nature/darkskypark.htm>)



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CREDIT NPS

But the modern world is encroaching.

On a hilltop about 10 miles outside the park, two flames—and maybe a third?—are visible on the dark horizon.

They're flares from new oil wells.

"You head down, even on a relatively dark night, (through) Farmington, Bloomfield, Aztec, there's lots of light, (and you) head down to the Lybrook, Counselor area. It's really dark, and all of sudden, you see these five fireballs. It's just crazy," says Mike Eisenfeld, New Mexico Energy Coordinator with the nonprofit San Juan Citizens Alliance.

"I think that a lot of the flares have been along the (US Highway) 550 corridor and you hear a lot of people kind of going 'What the heck is that? I couldn't believe it,'" he says.

Eisenfeld doesn't want to see more flares around Chaco or nearby, on the eastern Navajo Nation. And along with other groups, the San Juan Citizens Alliance has sued the federal government, asking it to stop approving new wells near the park until there are more studies.

The groups are worried about how development will affect Chaco, as well as water supplies and local communities. But a federal judge denied their request last month.

Looking across a narrow valley near Lybrook, New Mexico, Eisenfeld watches two flares in the distance. He worries about the methane – the natural gas – that's wasted when it's flared or venting into the air.

“It has a huge visual impact, even more so, I think it’s just sort of a sad result of our inability to think things through a little bit more thoroughly,” he says.

He’s talking about the gas that’s wasted when it’s flared off.

During normal drilling operations, workers release natural gas from new wells to clear out impurities and also so that gases don’t build up and cause a dangerous blowout.

“That’s our product, that’s what we sell, so we don’t want to waste that either, through venting or flaring or leakage,” says Steve Henke, who directs the New Mexico Oil and Gas Association (<http://www.nmoga.org/>).

He adds that that long-term flaring happens because there isn’t pipeline capacity for the gas.

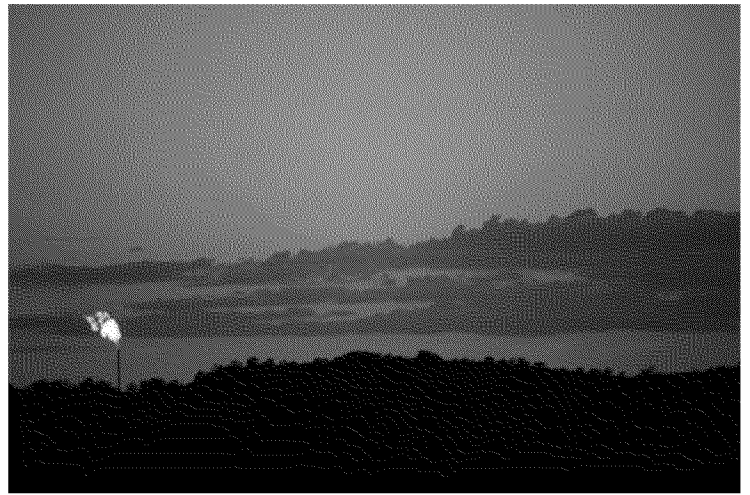
“We’ve taken a lot of steps over the last decade, through new technology, retrofit monitoring, to understand the sources of fugitive methane and to mitigate that,” he says.

Now, the industry’s going to have to do even more. In August, the US Environmental Protection Agency (<http://www.epa.gov/>) released draft rules that call for methane emissions to be cut by about 40 percent. (<http://www.epa.gov/airquality/oilandgas/actions.html>)

Methane is a greenhouse gas that contributes to climate change and the Southwest’s warming trend.

Henke says that anytime new regulations come out, there’s concern about whether they’ll actually benefit the environment. And not harm industry.

“We hope that EPA would work with us to understand what economic mitigation looks like to maintain the viability of the industry,” he says.



(<http://mediad.publicbroadcasting.net/p/kunm/files>)

An oil well flare along Highway 550 in northwestern New Mexico

CREDIT LAURA PASKUS



http://mediad.publicbroadcasting.net/p/kunm/files/styles/x_large/public/201509/IMG_5159.JPG

An oil well flaring off Highway 550.

CREDIT LAURA PASKUS

But Jon Goldstein says that tightening things up will cut pollution from methane. And benefit industry, not hurt it.

Goldstein is a senior policy manager with the Environmental Defense Fund. Last summer, the nonprofit released a study which found that companies drilling on federal and tribal lands were losing more than \$350 million a year.

“Every molecule of gas that's escaping through a leak and causing pollution or just being burned off with a flare, is a molecule that's not being sold,” he says, “and taxpayers can't see royalty and revenue from it, tribes can't see the revenue from it, the oil companies themselves can't earn the revenue from it.”

According to their report

http://www.edf.org/sites/default/files/content/federal_and_tribal_land_analysis_presentation_6_22_final.pdf
about \$100 million worth of gas was wasted in 2013 just in New Mexico.

The losses are due to flaring, venting, and things like leaky pipes and old infrastructure. These are problems that can be fixed, Goldstein says.

Fixing this problem isn't just a local issue. It's related to climate change. Goldstein points out that NASA and other scientists (<http://kunm.org/post/hunt-source-four-corners-methane>) are studying (<http://kunm.org/post/four-corners-methane-hotspot-presentations-online>) unusually high methane concentrations in the Four Corners area.

"And then you look at this new report and see there's a big source of this pollution right there in the San Juan Basin," he says. "You put two and two together and say, 'Now well, maybe we should be addressing this aggressively.'"

The EPA's proposed rule is currently open for public comment (<http://www.epa.gov/airquality/oilandgas/pdfs/comments.pdf>) – and could be finalized next year.

Funding for KUNM's new series *Drilling Deep* comes from the New Venture Fund. Find out more on our website, KUNM dot org - under News.

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Everything New Orleans

Training simulator errors contributed to Christmas River Bend reactor problems

river_bend_nuclear_plant_st_francisville.jpg

The River Bend nuclear power plant in St. Francisville was photographed on February 21 2007 (*Eliot Kamenitz, NOLA.com | The Times-Picayune archives*)

Mark Schleifstein, NOLA.com | The Times-Picayune By **Mark Schleifstein, NOLA.com | The Times-Picayune**

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on September 11, 2015 at 4:34 PM, updated September 11, 2015 at 4:36 PM

An improperly programmed training simulator at **Entergy's River Bend** nuclear power plant in **St. Francisville** contributed to the errors made by operators attempting to respond to an emergency shutdown of the plant's nuclear reactor on Christmas Day 2014, the **Nuclear Regulatory Commission** said Friday (Sept. 11).

The conclusion was part of a violation notices sent to Entergy Operations Inc., owner of the River Bend station, at the conclusion of a five-month inspection into the reactor shutdown.

The reactor "scrammed," meaning control rods were dropped into the reactor's fuel core to halt the fuel's nuclear reaction, which creates heat, used to create steam that flows through electric generators to create power.

The violation notice concluded that "the simulator failed to demonstrate expected plant response to operator input and to normal, transient and accident conditions to which the simulator has been designed to respond."

"Specifically, the River Bend Station's simulator failed to correctly model leakage flow rates across the feedwater regulating valves; failed to provide the correct alarm response for a loss of a reactor protection system motor generator set; and failed to correctly model the behavior of the startup feedwater regulating valve controller," the notice said. "These simulator modeling issues led to negative training of operators. This subsequently complicated the operators' response to a reactor scram in the actual plant on December 25, 2014."

Commission officials rated the violation as "white," the second lowest level on a four-color violation schedule. The notice did not include a fine amount. The notice provided the company with an opportunity to contest the finding by requesting a hearing, which Entergy turned down.

"The identified issues have been corrected to ensure that conditions in the simulator accurately reflect conditions in the plant, and River Bend Station remains safe and secure," said Entergy River Bend spokeswoman Elizabeth Fako.

"Entergy did not request a regulatory conference and will not contest the finding. This will not impact the plant's regulatory status in relation to the NRC's Action Matrix," she said.

Asked for a photo of the simulator room used for training operators, Fako said "there isn't one available for use."

Under the NRC's matrix program, the company remains in the "Regulatory Response" column, the notice said, which will result in another comprehensive inspection involving the plant's strategic performance plans.

Other errors cited in a report on the inspection results sent to Entergy on July 7 resulted in several "green" violations, the lowest level of violation. One was inadequate troubleshooting procedures of one motor generator set resulted in a breaker tripping, which caused the reactor scram.

A procedure manual also incorrectly directed operators to direct feedwater to the reactor pressure vessel incorrectly immediately after the shutdown. Feedwater is used to remove heat from the reactor so it doesn't overheat. Operators also failed to indicate that the water level in the reactor pressure vessel was at a high level, which was an "adverse" condition, and failed to identify that error in a corrective action program.

Inspectors also issued a green citation to the plant for a failure to classify some of the responses to the accidents as "operator workarounds."

The scram occurred at 8:37 a.m. on Christmas day, when the plant was producing power at 85 percent of its capacity. The plant was restarted on Dec. 27, but an electrical circuit was not working properly and the restart process had to be repeated.

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'Swimmable, Drinkable, Fishable Water' theme of Tar Creek Conference

Staff reports news@miaminewsrecord.com | Posted: Friday, September 11, 2015 9:37 am

MIAMI - LEAD Agency's 17th National Environmental Tar Creek Conference will be held Sept. 29-30 at the Coleman Theater in downtown Miami.



Tar Creek Conference

The theme: "Swimmable, Drinkable, Fishable Water" has not yet been achieved due in part from the environmental impacts of the Tri-State Lead and Zinc Mining District.

This two-day conference will address the downstream impacts from Kansas and Missouri and the Tar Creek Superfund site involving three states, two EPA Regions and 10 tribes.

The opening session begins at 9 a.m. with a blessing by Eastern Shawnee Tribal Chief Glenna Wallace followed by a keynote address by author and former Daily Oklahoman journalist, Tom Lindley on his investigative reporting of the Tar Creek Superfund site, the history of the mining and the effects on children who had been lead poisoned in Ottawa County.

His series of articles startled then Governor Frank Keating and the State of Oklahoma into action. He will discuss his findings and reveal how he was able to convince the most conservative newspaper in the state to print his discoveries.

The Tar Creek Superfund updates will be given by federal, state and the Quapaw Tribe and will cover the Kansas, Missouri and Oklahoma efforts by both EPA Regions 6 and 7.

Continuing on water: Bob Nairn, Oklahoma University gives an update on the Commerce wetlands passive treatment projects.

Reports on water quality by the tribes and GRDA are followed by Waterkeeper Alliance attorney Kelly Hunter-Foster's remarks on the new Clean Water Act Rule.

Beginning at 5 p.m. Tuesday, the public is encouraged to meet artists and scientists of all ages during our poster session followed by our fish fry and pie auction fundraiser with what we call the fish tournament on Tar Creek, which will be an evening of the arts.

Wednesday begins with a keynote address by Marc Yaggi, with an overview of the Waterkeeper Alliance and their efforts for water around the world followed by a range of issues from climate change to emergency preparedness with a focus on the response at Picher after the tornado and how recovery was handled, updates from ODEQ on the B.F. Goodrich benzene underground plume in Miami and the Oklahoma State Department of Health report on lead poisoning in Ottawa County.

There will be a panel discussion on health impacts involving professionals and affected residents.

The importance of bees and butterflies and new trends to protect them, NEO's Art as Activism Rain Barrel Project ends the conference with an auction of three of their painted rain barrels.

“Those who attend the entire conference will be well informed,” said LEAD's Grand Riverkeeper Earl Hatley. “Speakers will cover various aspects of the above topics so that all will leave with a better understanding of what issues we face.

“After the attention the Animas River got when it turned orange like Tar Creek, anyone can understand our Motto, 'Orange is the New Blue,' said Rebecca Jim, LEAD's executive director and conference organizer.

The community is encouraged to come to the conference. There is no charge for Ottawa County residents to attend the conference.

For more information or to register check our website for the full agenda and more details at www.leadagency.org or facebook.

“We hope to see you for all or part of this year’s conference. This is what environmental justice looks like and we want it better,” Jim said.

John Stancavage: Keystone Pipeline segment still waiting for approval 7 years later

By JOHN STANCAVAGE World Business Columnist | Posted: Sunday, September 13, 2015 12:01 am

Related: Keystone XL review taking 5 times longer than average

If you are a supporter of the unbuilt northern section of the Keystone XL Pipeline, at this point you're probably wondering who broke the mirror.

The last seven years have brought enough bad luck to keep plans for the segment on the shelf.

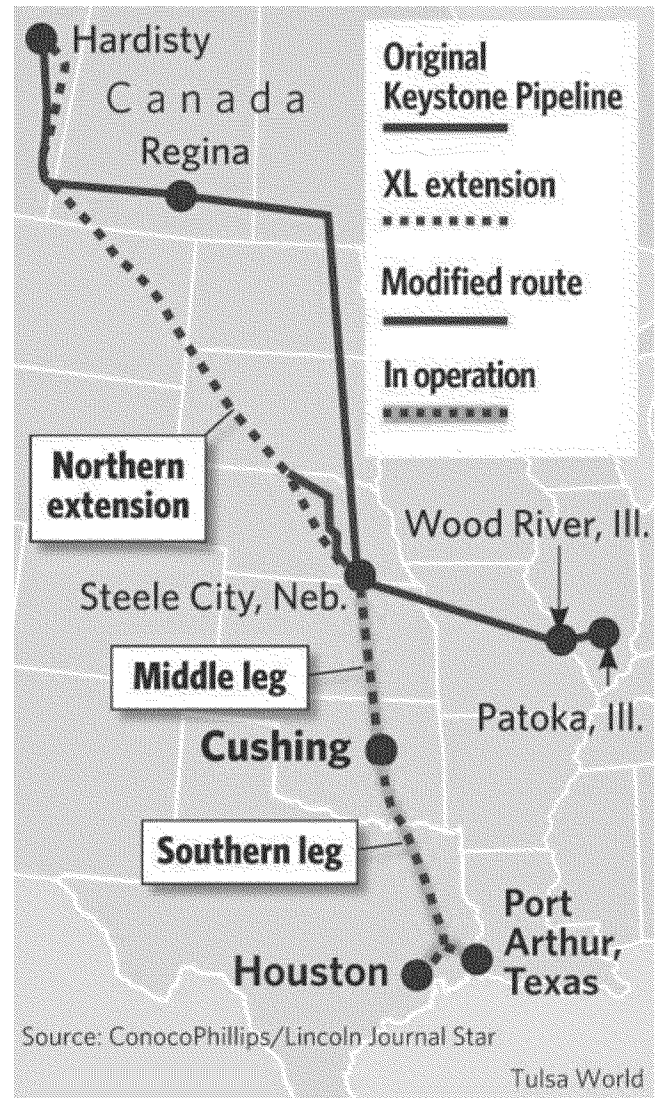
At the same time, the price of the product carried in the system — crude oil — has fallen dramatically and does not show any signs of turning around soon. This is, at least in the short term, hurting your argument for why America needs the link.

Of course, things on the other side of the issue have been just about as frustrating. Although some attention-getting environmental problems have been cited, and the Canadian oil would compete with U.S. production, the Keystone hasn't yet been defeated.

To recap the issue, the Keystone XL Pipeline is TransCanada's proposed 1,179-mile, 36-inch-diameter crude oil pipeline that, at completion, would run from Hardisty, Alberta, Canada, across the border to Steele City, Nebraska.

The project would connect with existing pipeline that travels to refineries in the Midwest, as well as storage facilities in nearby Cushing, and then continue on south to refineries on the Gulf Coast. The other segments of the pipeline, which did not cross international borders and thus did not need presidential approval, have been built.

When finished, the pipeline system would have the capacity to transport up to 830,000 barrels of oil



Keystone pipeline map - Sept. 12

per day. Cost of the project has been estimated at \$5 billion for the original and \$7 billion for the XL portion.

Along with transporting tar-sands crude oil from Canada, the Keystone XL Pipeline would also be able to handle U.S. crude produced in the popular Bakken region up north.

Some important dates so far include:

September 2008: Regulatory approval is sought for the northern link.

June 2010: Phase 1, using a smaller line from Hardisty to Steele City, Nebraska, and on to Wood River Refinery in Roxana, Illinois, and Patoka Oil Terminal Hub in Illinois, is complete.

February 2011: Phase 2, running from Steele City to Cushing, is complete.

May 2012: TransCanada files a new application for a presidential permit with the U.S. Department of State.

January 2014: Phase 3 from Cushing to refineries at Port Arthur, Texas, is complete.

The final piece, Phase 4, would run the same direction as the Phase 1 line from Hardisty to Steele City but would use a larger-diameter pipe.

In January 2012, President Barack Obama rejected the application after he received objections centering on the pipeline's impact on Nebraska's sensitive Sand Hills region. TransCanada then altered the proposed route of Keystone XL and that new plan was approved by Nebraska officials.

But on April 18, 2014, the Obama administration announced that the review of the Keystone XL oil pipeline had been extended indefinitely, pending the result of a legal challenge to a Nebraska pipeline citing a law that could change the route. On Jan. 9, 2015, the Nebraska Supreme Court moved to allow the project.

Since then, a bill to approve the pipeline was approved by Congress, but vetoed by Obama.

There was some speculation Obama might issue his final decision about the pipeline over the Labor Day weekend, but that holiday came and went without any action.

It seems that the lack of movement now is projecting the impression that chances for the project may be slipping away.

What would this mean to Oklahoma? I called around while researching this column and found that many state oil producers who operate mainly in the state or Midwest would just as soon see the Keystone XL not built. They'd rather not have a glut of Canadian oil adding to the existing glut of hard-won U.S. crude currently on the market.

Other state firms, such as Continental Resources, which drills in the Bakken, and Devon Energy,

which is active in Canada, support the pipeline.

Even if Obama finally shoots down the plan, it wouldn't be totally dead. TransCanada could resurrect XL through a legal challenge under the North American Free Trade Agreement, or it could reapply for a permit under the next administration.

But who knows? Maybe seven more years from now, we'll still be waiting for an outcome.

Remember Me ☒

ALBUQUERQUE JOURNAL

WRA backs San Juan agreement

By Steve Michel, Chief Counsel / Western Resource Advocates Clean Energy Program

Sunday, September 13th, 2015 at 12:02am

You have probably read about a recent agreement to resolve issues around San Juan Generating Station.

This agreement has been submitted to the New Mexico Public Regulation Commission for approval, and has the support of Public Service Company of New Mexico, consumer, business and environmental advocates, including the organization I represent, Western Resource Advocates. I would like to explain WRA's support.

The San Juan Generating Station is a four-unit coal-fired power plant near Farmington with multiple owners. Two units are scheduled to close in 2018 to address regional haze issues. The PRC case involves PNM's request to retire its share (418 megawatts) of the two closing units, and reacquire a portion (197 megawatts) back in the two units that are not closing.

The agreement would approve PNM's requests with three important conditions. These conditions provide a much better environmental outcome than anything possible through litigation.

To understand our view, it's important to recognize that the environmental situation at San Juan Generating Station will be the same whether or not the commission approves PNM's requests: Two units will close and two units will keep running. PNM has hundreds of millions of dollars of unrecovered investment in the remaining San Juan units, and closing those units today would trigger hundreds of millions more in unfunded decommissioning and mine reclamation costs.

Rather than suffer the financial consequences of a further plant closure, we believe PNM would seek to acquire any denied San Juan capacity through an affiliate company, as a shareholder asset, in order to keep the plant running and protect its investment. PNM has already done this with 65 megawatts the other plant owners did not want. If a shareholder acquisition happens, then that portion of San Juan would be serving wholesale customers and not be regulated in New Mexico, making the plant much more difficult to close in the future.

The agreement we have reached recognizes the reality of the situation and builds a strong environmental outcome from that reality. It does this by establishing a 2018 PRC case to determine the San Juan Generating Station's future, by restricting the ability of PNM shareholders to perpetuate the life of the plant, and by matching over one-third of PNM's San Juan output with new renewable energy.

The agreement requires PNM to file a 2018 PRC case to determine the extent to which San Juan should continue operating after 2022. Absent this agreement, WRA and others would have to petition the commission to commence such a case, and the burden would be on us to change the status quo.

The year 2022 is important and appropriate because the coal supply and San Juan Generating Station ownership agreements expire in 2022. It is also the first year EPA's Clean Power Plan requires CO2 reductions at San Juan. By having the case filed in 2018, we provide ample time to develop cleaner energy alternatives that can support further San Juan closures in 2022.

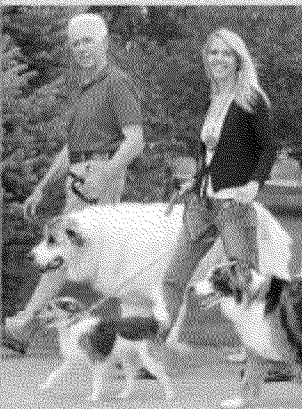
The agreement prohibits PNM from using its unregulated affiliates to acquire and uneconomically perpetuate the life of the plant. If such a restriction were in place today, the economic viability of San Juan could be very different. PNM has agreed that neither it, nor its affiliate companies, will acquire any more unregulated coal-fired generation, ever.

Starting in 2020, the agreement requires PNM to match every megawatt-hour produced from the 197 MW of coal capacity it is reacquiring with one MWh of new renewable energy. PNM is to accomplish this matching with the purchase of credits – which is the way energy markets establish renewable energy ownership and guarantee that renewable energy has been produced.

This agreed-to renewable procurement is in addition to PNM's 20 percent renewable energy requirement in 2020 under New Mexico law. Over 400 MW of wind or solar power, from new facilities, will be needed to generate the renewable energy required by the agreement – 1.4 million MWh per year.

WRA's goal throughout the San Juan case has been to reduce PNM's reliance on dirty power and advance its use of clean energy as quickly as possible. We believe the agreement before the PRC accomplishes this goal in a way that best protects our environment and addresses the many competing interests and concerns surrounding San Juan Generating Station.

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Christine Ellis: How will Sanderson Farms affect St. Pauls?

By Christine Ellis | Posted: Sunday, September 13, 2015 12:00 am

So far, no environmental study has been conducted to evaluate the impacts of the Sanderson Farms chicken slaughterhouse proposed to be located near St. Pauls in Robeson County. Wouldn't you want to know what effect the project could have on you, your family and your quality of life? I certainly do.

Only one small part of the project will be discussed at a public hearing Thursday at 7 p.m. at the R.E. Hooks Community Building at 176 N. Third St. in St. Pauls. This hearing may be the only opportunity for the public to learn how Sanderson will treat and dispose of wastewater from the proposed processing plant.

I will be there and encourage anyone who values clean water and healthy communities to join me.

Information about this project has been hard to come by, since most of the negotiations and decision-making have taken place in secret. This is especially true regarding impacts on the community and the environment. There is no evidence that the town of St. Pauls or Robeson County even considered how the slaughterhouse might affect the environment or public health.

I don't understand why this important analysis has been ignored. It could have been done prior to any decisions being made to site the slaughterhouse near St. Pauls, to predict environmental impacts at an early stage in project planning and design. It could have been used to shape the project to suit the local environment. It could have been used to ensure that the project meets the needs of the community.

But neither the county nor the town has conducted any type of environmental impacts analysis, and therefore they cannot ensure that Sanderson will protect the natural resources of Robeson County.

Poultry processing causes pollution, and most of Sanderson Farms' seven slaughterhouses have been cited for illegal discharges to public waters. For example, the Bryan, Texas, plant has illegally polluted public waters with fecal bacteria for the past three years. Other plants in Texas, Louisiana and Mississippi also are causing water pollution, and they all have more stringent requirements than the company's slaughterhouse in Kinston and the proposed St. Pauls plant. (Source: EPA Enforcement and Compliance History Online database at echo.epa.gov.)

In Kinston, a "nondischarge" permit allows Sanderson Farms to spray wastewater onto nearby land. That permit doesn't require the same level of treatment as the plants mentioned above. There are no limits for bacteria, nutrients and other pollutants discharged to land. Although groundwater monitoring at the Kinston plant only occurs three times a year, the results of well sampling show groundwater contamination. Inexplicably, no monitoring of nearby public waters is required, despite

reports of runoff into nearby waterways.

A comprehensive study will identify the potential for environmental impacts. It will help to ensure that any negative impacts are mitigated. Without this analysis, how can the community be assured that clean water will be protected, that local families won't suffer health consequences, and that the community won't bear the burden of a reduced quality of life?

Our government officials need to make sure proper standards are in place to prevent pollution. In addition, Sanderson Farms must be held accountable for any negative impacts to St. Pauls and the surrounding area. A comprehensive environmental impact study of the proposed processing plant is needed. The community deserves to know the environmental consequences of Sanderson Farms' operation and needs assurances that it won't be negatively impacted. Working together we can make a difference to protect clean water and healthy communities for our children and ourselves.

Christine Ellis is the river advocate for the environmental nonprofit Winyah Rivers Foundation, which advocates for clean water protections and fishable, swimmable and drinkable water.

Remember Me ☒

ALBUQUERQUE JOURNAL

Editorial: EPA water rule is another overreach on private rights

By Albuquerque Journal Editorial Board

Saturday, September 12th, 2015 at 12:02am

The U.S. Environmental Protection Agency is going upstream with its regulatory power – way upstream. It implemented a new rule in August that it says clarifies which small streams, tributaries and wetlands should be protected from pollution and development under the 1972 Clean Water Act. On the surface, it sounds good, but it goes much deeper.

After all, this is the same EPA that brought us the multimillion-gallon toxic Animas river spill.

The rule has landowners, ranchers, farmers, mining interests and business groups up in arms. They fear, with some justification, that the agency will try to regulate dry stream beds, playas and arroyos on private property far from “navigable waters.” In addition to burdensome costs, it could result in lost jobs and financial hardships on working families.

The Clean Water Act was passed to regulate interstate commerce, and protect “navigable waters” and those with a “significant nexus” to them. That means if goods can be transported across state lines via a waterway, it is covered by the act. But the new rule doesn’t seem to take into account the arid terrain of the desert Southwest where arroyos and depressions haven’t been wet for years, if not decades – and if they are, good luck shipping in flash floods.

A landowner or business would have to jump through permitting hoops if they took steps to pollute or destroy waters – or perhaps dry stream beds and arroyos – with a “direct and significant” connection to larger bodies of water downstream that are already protected. The concern is, most every ditch empties into one river basin or another.

The Obama administration claims the new regulation does not expand what waterways will be protected. However, two Supreme Court rulings rejected earlier attempts by regulators to expand the definition of “Waters of the United States” in the Act. The 2001 and 2006 rulings left unclear whether 60 percent of U.S. streams and waterways and millions of acres of wetlands should have federal protection.

New Mexico Rep. Steve Pearce, a Republican, says the new rule would “... take away more local decision-making over water management.” He’s right. Federal regulation of isolated intrastate waters would encroach on a state’s jurisdiction and power. For now, the new rule will not be enforced in New Mexico as part of ongoing litigation filed by 13 states.

No one wants waterways polluted, but this is a massive administrative power grab, and a threat to private property and states’ rights. Broad changes to law should be made by Congress, not bureaucrats.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

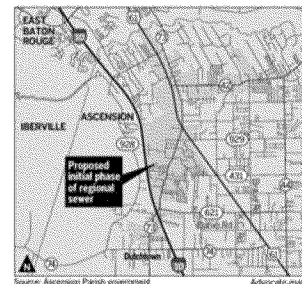
Ascension Parish Council seeks private group to create regional sewer system that would fulfill promise to voters

Parish Council intends to fulfill promise to voters

by David J. Mitchell

dmitchell@theadvocate.com

GONZALES — The Ascension Parish Council is expected to recommend late this year what team of engineers and financiers should design, build and operate a \$300 million to \$500 million regional sewer system in a partnership with the parish that would last for the next three decades.



Advertisements asking for proposals from private businesses that want to partner with the parish government in the project are expected to be sent out Thursday, parish officials said.

For the past eight years, the council has focused on trying to create a public regional sewer system, the unfulfilled promise of politicians in infrastructure-poor Ascension Parish.

After false turns and dead ends, though, the council seems committed again to an idea long advocated by four-term Parish President Tommy Martinez as the only feasible way to pay for the system.

Martinez has proposed a public-private partnership in which a private group with engineering and construction experience and major capital resources would enter into a contract with the parish.

The private group would front much of the cost of designing and building the system and possibly buy out existing private sewer companies and their customer bases and then earn back those costs, plus a profit, with years of user and hookup fees.

By some estimates, the current timing of the proposal process means the outgoing parish president and a partially lame-duck council are poised to wrap up the deal and sign a contract before the end of the year that would bind parish leaders taking office in January to a 25- to 30-year marriage with a private company.

Some like Councilman Daniel “Doc” Satterlee say they made a promise to voters four years ago to deal with the sewer system in this term and want the vote to take place before their term ends.

Satterlee, a one-term councilman who has served on the lead committee investigating the sewer system, said he does not want to risk having new council members dump all that work.

“We have been studying this for three-and-a-half years,” said Satterlee, who is facing a challenger, Alan “Boxcar” Braud Jr., in the Oct. 24 election.

Others like Councilman Chris Loar, who is running for parish president, prefer a slower route that would at least leave the final negotiations to the parish’s future chief executive.

“This is something affecting Ascension for the next 30 years and a big project in our parish and a first of its kind of public-private partnership in the state of Louisiana. It’s just not something that needs to be jammed through,” Loar said.

Gonzales City Councilman Kenny Matassa, who is running against Loar and three others to be the next parish president, said a public-private partnership is the most effective way to proceed, if it can be done economically.

“Ascension must move forward with parishwide waste treatment,” Matassa said.

Gonzales surveyor Clint Cointment, who also is running for parish president, said he understands both sides of the debate but said the sewer effort was already delayed due to political considerations, leaving the council in its “bad situation.” He said he would like some input but has no control over it.

“I’m stuck with what we’ve got, and we have to make the best of it,” he said, referring to any decision reached before newly elected officials take office in January.

In the waning months of his final term, Martinez has been pushing through several long-term projects, including a key access road to Lamar-Dixon Expo Center; new soccer fields and upgrades to the 4-H building at the Expo Center; a major land use change allowing new industry in west Ascension; and the nearly \$6 million purchase of Peoples Water Service Co. in Donaldsonville.

But Martinez, who has advocated for an east bank sewer system in Ascension since the early 1990s, said Friday that a sewer deal is too big and important for the parish's well-being to try to do it at the end of a term.

He said he will include the parish president-elect on sewer negotiations if the process gets that far.

"I'm going to work with him and give him the update and let him start working on the plan. I want him to be part of the process," Martinez said.

Ascension has been among Louisiana's fastest-growing parishes since the 1990s, and its three municipalities all have public sewage treatment systems, but most of unincorporated Ascension lacks public sewer with a few small exceptions. As the parish has grown, individual home treatment systems and private companies operating package plants in neighborhoods all across Prairieville and elsewhere have filled the gap.

State regulators have pressed the parish toward creating a consolidated regional sewer system in a bid to improve water quality from all those individual systems and have warned of a possible end to new discharge permits.

After an earlier bid for a public-private partnership failed in 2011, the state Department of Environmental Quality awarded the parish a low-interest \$60 million loan for the initial phase of the system in Prairieville. But an analysis late last year found the first phase would have only 2,000 customers and would run \$2 million per year short on debt payments, even before maintenance and other costs were included.

This turned parish officials back to a public-private partnership, which has been tried at least twice before and fizzled.

Some parish officials see benefits in a public-private partnership because the partner can bear the risk of building plants, installing lines and other costs while the system tries to build a customer base from scratch. But the private partners also would be in the deal to make a return on their investment.

Among various elements in a 2011 proposal that drew concerns from the council were hookup and monthly service fees that the council thought were too high, and at what point should residents who paid for their own individual sewer systems be required to connect to the new parish system and pay its costs.

That effort with Alabama company Integra Water, engineers Glenn G. Shaheen and Associates Inc. and others foundered after Integra Water could not reach an agreement to buy Ascension Wastewater Treatment Inc., the parish's largest

private sewer company and a major source of customers and future revenue.

Martinez said he has doubts the initial administrative review of the complicated proposals that would set up a council vote can happen as quickly as two to three weeks, which is what has been estimated by Ken Dawson, Martinez's chief administrative officer.

Martinez added that he also doubts negotiations could be wrapped up before the new year, even if the council gets a chance to recommend a partner.

"This council and this parish president are not going to make a final decision," Martinez said.

Parish Attorney O'Neil Parenton Jr., who warned the Parish Council earlier this month that he would not rush through the legal aspects of any agreement, said recently that any deal would not be final until a contract is signed.

Councilman Benny Johnson had asked to extend the deadline from 32 days to 60 days to provide more time for proposals. Delaying the deadline, however, carried import as it signaled the possible closing of a window to address the sewer problem.

Three-term Councilman Kent Schexnaydre, who is not seeking re-election, underlined this point at the parish courthouse in Donaldsonville. He noted that after the election and new members take office in 2016, it is "a whole new ball game" and the stars now aligned for the system may no longer be.

"My main concern is that we're going to be looking back five years from now and say, 'Boy, if they would have moved forward with this when we had an opportunity, we'd have sewer in Ascension Parish,'" Schexnaydre said.

He said he is concerned a delay could end up killing the project.

"I think we have the political will right now, which is not very easy to do with this body," Schexnaydre said.

After a bid from Schexnaydre and others to extend the deadline to 45 days as a compromise failed in a split vote, the council unanimously backed the 60-day deadline. Some hope the council will be able to vote in late November or early December.

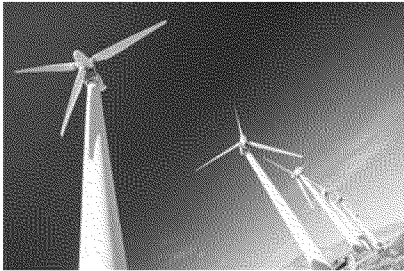
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Public Service Co. of Oklahoma plans to add solar capacity, increase its use of wind power

Public Service Co. of Oklahoma expects to add up to 200 megawatts of solar capacity and bolster its wind offerings, according to a planning document outlined before the Oklahoma Corporation Commission.

by Paul Monies Published: September 11, 2015

Public Service Co. of Oklahoma expects to add up to 200 megawatts of solar capacity and bolster its wind offerings, according to a planning document outlined before regulators Thursday.



[Photo Illustration]

The utility, which has 543,000 electricity customers in eastern and southwestern Oklahoma, presented its draft integrated resource plan at the Oklahoma Corporation Commission. Though not binding, utilities have to submit the plans every three years to regulators.

The plan represents PSO's "best guess" at what its capacity and generation mix could look like by 2024. The utility expects to boost its natural gas generation, continue to add wind capacity and make a foray into utility-scale solar. Those changes come along with expected reductions in demand from various energy efficiency and conservation programs.

"The selected plan provides what we believe to be a flexible plan to allow us to make changes to it if we need to, changes in gas market technologies, environmental regulations, and it helps mitigate some of the price of the environmental risks," said Mark Becker, a manager of resource planning for PSO's parent company, American Electric Power Co. Inc.

15 percent increase

PSO expects to finish installing smart meters throughout its system by the end of 2016. It also has a pending case before state regulators to get reimbursed for \$172 million in system investments and environmental compliance projects to meet federal Regional Haze rules and Mercury and Air Toxics Standards. If approved, the plan would increase residential customer bills 15 percent in the next year.

The integrated resource plan assumes those projects will be complete and PSO's generation output from coal will go from 55 percent in 2015 to 16 percent by 2024. Natural gas generation would go from 13 percent to 47 percent in that same period. Wind would make up 28 percent of its electricity generation in 2024, almost double from 2015.

Steve Fate, PSO's director of business operations support, said the utility is still studying scenarios under the Obama administration's Clean Power Plan to cut carbon dioxide and other greenhouse gas emissions from power plants. Fate said PSO's generating plants are well-positioned under the final version of the rule, but it's up to the state to formulate a compliance plan or let the federal government come up with one.

PSO last year signed three power-purchase agreements for 600 megawatts of wind from Oklahoma projects that will come online by 2016. The utility said it also expects to add at least another 100 megawatts next year under its planning scenario to take advantage of low wind prices and the federal production tax credit. That would double PSO's current wind capacity, which is 690 megawatts.

Scott Fisher, AEP's manager of resource planning, said PSO's plan includes adding 50 megawatts of utility-scale solar each year from 2021 to 2024.

PSO also expects to add 390 megawatts of natural gas generation in 2022 and another 870 megawatts of natural gas by 2024. Those would be baseload, combined-cycle generating units. Among those options could be a natural gas repowering of a coal unit at PSO's Northeastern Station plant that's expected to retire in 2016.

Economic forecast

Chad Burnett, AEP's director of economic forecasting, said PSO is forecasting strong growth in the industrial class in the next couple of years, driven by demand in the oil and gas sector. PSO's electricity sales to the energy industry are up almost 22 percent from a year ago. This growth is coming despite continued low oil prices, he said.

"We are seeing a tremendous amount of industrial load growth in the oil and gas sector in the PSO service territory," Burnett said.

"Nationwide, AEP covers five of the seven major shale plays. The oil and gas sector, despite the lower oil prices and rig counts, is still seeing strong growth in electricity sales and in production from last year."

Commissioner Dana Murphy said she's still concerned about a longer term oil slump and wondered if PSO's estimates would hold up. "That's the big question: How long will oil prices stay down," Burnett said. "We certainly are keeping an eye on that, but at the same time, it's important to remember that in planning for this load growth, we know where this oil is located. We know it's going to be here.

"Even though we're still seeing a lot of growth in oil and gas extraction, a lot of the growth we're seeing here is in the pipeline transportation infrastructure. Later on, when oil prices finally do come back, we've got the infrastructure built to really transmit that."

On the residential side, Burnett said PSO sees sales declining slightly. That's from federal standards, PSO's energy-efficiency programs and more efficient appliances.

"We've really seen over the last 10 years the usage per customer has really flattened out," Burnett said. "Going forward, over the next 10 years, we're projecting usage per customer to start to decline."

PSO expects to reduce peak demand 88 megawatts by 2018 through residential and commercial programs for weatherization, lighting, voltage reductions and changes in consumer behavior. That's up from 64 megawatts of demand reduction expected in 2016.



GOP gropes for way to kill climate rule



By Devin Henry - 09/13/15 07:00 AM EDT

Republicans and industry groups are intensifying their search for a way to beat back President Obama's new climate rule for power plants.

When the Environmental Protection Agency (EPA) released its finalized Clean Power Plan in early August, it added a new sense of urgency to opponents' efforts to stop it.

On Capitol Hill, Republicans revived their complaints about the plan during a House hearing on Friday.

They deride the plan — designed to cut carbon emissions by 32 percent before 2030 — as a broad expansion of federal power destined to raise energy prices around the country, criticisms they've leveled since the EPA proposed the rule last year.

The House passed a bill to delay the plan this summer, and a Senate panel approved a similar measure in August.

But the bill's sponsor, Sen. Shelley Moore Capito (R-W.Va.) said this week that the Senate isn't likely to consider the measure any time soon. Sen. Jim Inhofe (R-Okla.), the chairman of the Senate Environment and Public Works Committee, told Greenwire that an overhaul of chemical safety legislation is likely to hit the floor first.

"Well I think I saw where the chairman said — and we talked about this — how TSCA is the first thing up out of committee," Capito said Thursday. "It definitely won't be this month."

Senate Majority Leader Mitch McConnell (R-Ky.), an outspoken critic of the Clean Power Plan, told constituents last week that he's still considering a legislative path forward on the rule.

In a newsletter, he reiterated that he's considering a Congressional Review Act resolution of disapproval against the rule, something Capito said could come soon.

McConnell also plugged his work to block the rules through policy riders on appropriations bills.

"I'll keep up the fight against this administration and this EPA through the many tools at Congress's disposal to rein in out-of-control bureaucrats," he said in his newsletter.

But even the rules' biggest detractors acknowledge a legislative approach isn't likely to undo the rule, since anything would have to win either a signature from President Obama or enough votes to override his veto.

"You don't think the president will ever sign a bill that will do anything, do you?" Rep. Ed Whitfield (R-Ky.) the lead sponsor of the House's Clean Power Plan bill, said.

"The reality is that, obviously, the appropriation process is a good way that you could go. But Congress is pretty non-functional right now for a lot of reasons, and appropriations bills are not being passed or signed, so you end up with a CR, then you get down to the government shutdown, and then politics overrides everything. Personally I don't see the appropriations process as a very effective way of accomplishing any goals."

That means the plan's opponents are increasingly looking to the courts for relief.

In August, a slate of states asked for an emergency stay against the rule, but a federal judge rejected their request on Wednesday.

Jeff Holmstead, an environmental lawyer with Bracewell and Giuliani and the former head of the EPA's air and radiation office during the George W. Bush administration, said the timing of that request made it especially unlikely that the states would win.

Would-be litigants are now left waiting for the administration to formally publish the rule in the Federal Register before filing suit, something that will likely come before the end of October.

When that happens, the floodgates will open: states, utilities, industry groups and trade associations are likely to file suit to stop the plan from going forward.

"I expect that there will be a line of people waiting to file their legal challenges the next morning," Holmstead said.

Many of their complaints will center on arguments that the EPA overstepped its bounds by releasing such an extensive rule, Holmstead said, and that the agency doesn't have the right to tell states to shut down certain types of power plants and replace them with others.

Holmstead said he expects litigants — from those suing against the rule to the EPA itself — will want a relatively quick decision on the rule before the appeals process begins (and potentially culminates at the U.S. Supreme Court).

"When it comes to this rule, really all the parties want an expedited decision," he said.

Sean Donahue, counsel for the Environmental Defense Fund, said the EPA built the rule to withstand any major legal challenges, especially injunction requests.

"We think there's just no basis for staying the rule with an implementation schedule like this," he said. "We think we're on very strong ground on opposing any future stay motions."

Donahue is bullish on the administration's case against the underlying lawsuits as well, saying its challengers will have to overcome EPA arguments about the rule's implementation flexibility for states and the way the agency rewrote the rule to incorporate public comments on it.

"There will be challenges and people will raise a lot of issues," he said. "The EPA has been able to craft this program in a way that makes sense. ... All that is going to be played out in court over the next year or so."

Opponents are also working to convince states to refuse to comply with the plan, arguing they should opt out of the rule until its legality has been determined by judges.

Under the terms of the Clean Power Plan, the EPA will write implementation plans for states that decline not to do so on their own, something that might lead to federalism-based complaints in the courts.

Donahue, though, said that "there's a lot of political rhetoric, but not a lot of basis for that" argument. Even so, Republicans say it's one of the few tools they have to bat back against the EPA.

"The only options we have are the states saying, we're not going to cooperate and, number two, pursuing the legal remedies, at least until the next presidential election," Whitfield said. "And I wouldn't know what's going to happen there."

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Week ahead: EPA under fire for mine waste spill

By Timothy Cama - 09/14/15 06:00 AM EDT

Environmental Protection Agency (EPA) Administrator Gina McCarthy is appearing at three Capitol Hill hearings to answer questions about the mine waste spill in Colorado that her agency has taken responsibility for.

The hearings are part of an effort by lawmakers to figure out what went wrong at the Gold King Mine and afterward, who is responsible and how the EPA can prevent it from happening again.

Republicans have attacked the EPA as incompetent and accused officials of holding themselves to a different standard than what they expect of private companies.

The House Natural Resources and Oversight committees will hold a joint hearing Wednesday on the spill.

Interior Secretary Sally Jewell and McCarthy will appear, along with representatives of the Navajo Nation and the Southern Ute Indian Tribe.

Later Wednesday, the Senate Indian Affairs Committee will grill McCarthy on the effects of the spill on downstream American Indian communities. Navajo and Southern Ute representatives will speak at the hearing as well.

The next day, the Senate Environment and Public Works Committee will host a hearing on the spill, where McCarthy will be the sole witness.

Earlier in the week, the House Natural Resources Committee will head south to Louisiana for a hearing on oil and natural gas drilling in the Gulf of Mexico and how federal policies restrict it.

David Vitter and Bill Cassidy, Louisiana's Republican senators, will testify at the hearing, along with local experts and stakeholders, and Lars Herbst, the regional director for the Bureau of Safety and Environmental Enforcement.

The Senate Energy and Natural Resources Committee will gather Thursday for a hearing about potential reauthorization and changes to the Federal Lands Recreation Enhancement Act. The law governs recreation on federal lands, mainly those managed by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management and the Forest Service.

Off Capitol Hill, McCarthy and Agriculture Secretary Tom Vilsack will speak at a conference organized by Growth Energy, an ethanol group, on Tuesday.

Vice President Biden is flying to Southern California on Wednesday for a pair of energy-related events.

He'll give a speech at the Solar Power International conference in Anaheim, the largest industry event in North America. Later that day, he'll speak at the U.S.-China Climate Leaders Summit in Los Angeles.

John Holdren, director of the White House Office of Science and Technology Policy, will speak at a Center for Strategic and International Studies event Wednesday on the role of science and research in understanding the Arctic.

Sens. Lisa Murkowski (R-Alaska) and Angus King (I-Maine), co-chairmen of the Senate Arctic Caucus, will also participate in the event.

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Jean Lafitte photo exhibit studies vanishing landscape



The brown pelican print seen here captures the beauty and grace of the large bird that graces our state flag. (Lara Arceneaux)



By **Lara L. Arceneaux, Lafitte Lagniappe Columnist**

on September 14, 2015 at 7:14 AM, updated September 14, 2015 at 7:15 AM

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Photographer Lane Lefort grew up in Westwego, and he spent time on the grounds of Jean Lafitte National Park and Preserve long before it was ever a national park.

As a native of South Louisiana, he feels strongly connected to the land and is concerned with how it is changing. As a photographer, he has made it his mission to preserve the vanishing treasures that are the landscape of Louisiana, and he shares those treasures in his photography show, "Louisiana – Close to Home and Close to Heart," currently on display at the park each Wednesday through Sunday from 9:30 a.m to 4:30 p.m.

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"I'll be 61 soon, and I've met a lot of people, especially from Lafitte, fisherman and locals who talk about how time has changed things. With my photography I can capture these things before they are completely gone," Lefort said.

These vanishing treasures, in the form of plants, animals, and landscapes, are the focus of Lefort's photography exhibit at the park. Lefort says that he volunteered at the park in the past, and it's close to home, so it was a perfect venue to display his work. "There's a connection. The park and the people there share the same values, preservation of what we have with regards to culture and environment," he said.

Lefort says the move from film to digital has been a good one for him. He is able to take photographs, and highlight or emphasize aspects that truly bring out the natural beauty so abundant in South Louisiana, but that he worries won't be around forever.

"It's disappearing, both the land and what lives on that land. When the land goes, the plants and wildlife that once lived there go as well. They either die off or move. I've been out on the waterways and I've seen geological survey markers long forgotten, and they're thirty feet from land. Those markers were once placed in dry ground," Lefort said.

The photography show will be exhibited at the park until Nov. 1 in the visitor center on Barataria Boulevard. Lefort's work is for sale, and those interested can visit his website, www.lanelefort.com for more information.

Lefort's work can also be seen in a traveling art show sponsored by the Coastal Wetlands Planning, Protection, and Restoration Act which brings a truly personal point of view to the loss that is happening daily. Hear the stories of people from across South Louisiana and view their portraits done by Lefort. For more information, or to hear the stories go to <http://lacoast.gov/new/GetInvolved/OralHistory.aspx>.

Hunting season on park land is just around the corner and Jean Lafitte National Park is one of the only national parks in the country that allows hunting on park land. Hunters wishing to apply for a permit may do so now until Oct. 1 at the Barataria Preserve Visitor Center. Applications are accepted each Wednesday through Sunday from 9:30 a.m. to 4:30 p.m. Hunting will be allowed for feral hogs, squirrel, nutria, rabbits, and deer. Each has a specific season and information on those dates can be obtained by a call to the park or at the time of application.

The park also offers a weekly ranger-guided walk through the wetlands every Wednesday through Sunday at 10 a.m. Events are free and open to the public; for more information contact the park at 504-689-3690 ext. 10 or go online to www.nps.gov/jela.

Jean Lafitte National Park and Preserve gives so much to the community, and while many volunteer regularly, only once a year do they ask anything of the public in return. National Public Lands Day is Sept. 26 from 9:30 a.m. to 1 p.m. Volunteers are provided with the materials needed to complete their given task, and are never asked to do anything dangerous. Additionally, they are advised about any safety precautions necessary. Civic minded citizens and students in need of service hours are encouraged to volunteer their time at either the Chalmette Battlefield or the Barataria Preserve.

To reach Lafitte Lagniappe Columnist Lara L. Arceneaux, email lara.arceneaux@gmail.com, or text 225-276-1559.

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